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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,952	04/17/2001	Mehrban Jam	10005248-1	6956

7590 07/28/2006  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,952

Applicant(s)

JAM, MEHRBAN

Examiner

Fred I. Ehichioya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/27/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 38 are pending in this Office Action.

### ***Response to Arguments***

2. Applicant's observation on page 3 of the last Office Action, in paragraph 5, referencing U.S. Patent 5,204,663 (Lee) in view of U.S. Patent 6,057,764 (Williams) was an error and that portion should therefore be disregarded.

3. Applicant argues:

***(a) There is absolutely no teaching or suggestion whatsoever of identifying a lowest clearance level assigned to smart badges within a boundary (page 12, paragraph 3).***

Examiner respectfully disagrees with the applicant. At page 114, section "Agency profile characteristics", GSA discloses "this model has the lowest level security needs" which the examiner interprets as identifying a lowest clearance level"; GSA also discloses in this section "Employee cards are to be used in a single geographic location"; Examiner interprets "single geographic location" as "boundary".

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**(b) *There is no prima facie case of obviousness; no motivation or suggestion existed to combine the teaching of Gallagher and GSA to achieve the claimed subject matter (page 12, paragraphs 4 and 5).***

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Please refer to paragraph 6 of this Office Action (Rejection under USC 103) which is applicable herewith. In this case, Gallagher and GSA disclose applicant's claimed limitation. The motivation to combine the cited references is that the combined system will provide a standardized card which could be read interoperably by multiple types of readers. This interoperability makes it easy to check unauthorized access.

**(c) Neither Gallagher nor GSA even remotely suggests the desirability of modifying their mechanisms to enable the detection of smart badges within a predefined boundary and identifying a lowest clearance level assigned to the smart badges within the predefined boundary for the purpose of providing access to that sub-set of information having a clearance level no higher than the lowest identified clearance level (page 13, paragraph 1).**

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **"identifying a lowest clearance level assigned to the smart badges within the predefined boundary for the purpose of providing access to that sub-set of information having a clearance level no higher than the lowest identified clearance level"**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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**(d) Independent claim 13 is similarly allowable over Gallagher and GSA, which do not teach or suggest using a wireless beacon to detect which smart badges are located within a predefined physical boundary, identifying a lowest clearance level assigned to the smart badges within the boundary, and providing access to that sub-set of the database information having a clearance level no higher than the lowest identified clearance level on a computer located within the predefined physical boundary (page 13, paragraph 2).**

Examiner respectfully disagrees. Please refer to paragraph 6 of this Office Action (Rejection of claim 13 under 35 U.S.C. 103) below that is applicable herewith. In this case, Gallagher and GSA disclose applicant's claimed limitations.

**(e) Independent claim 21 is also similarly allowable over Gallagher and GSA, which do not teach or suggest a set of smart badges detected by a first wireless beacon to be within a predefined boundary, a computer located within the boundary, and a system service module for identifying a lowest clearance level assigned to the smart badges within the boundary (page 13, paragraph 3).**

Examiner respectfully disagrees. Please refer to paragraph 6 of this Office Action (Rejection of claim 21 under 35 U.S.C. 103) below that is applicable herewith. In this case, Gallagher and GSA disclose applicant's claimed limitations.

**(f) Independent claim 12 is allowable over Gallagher and GSA for similar reasons as stated above (page 13, paragraph 4).**

Examiner respectfully disagrees. Please refer to paragraph 6 of this Office Action (Rejection of claim 12 under 35 U.S.C. 103) below that is applicable herewith. In this case, Gallagher and GSA disclose applicant's claimed limitations.

**(g) Although Herman does disclose the use of an IR location beacon or RF beacon, there is no suggestion within Hermann of modifying GSA to achieve the claimed subject matter (page 14, paragraph 3).**

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Please refer to paragraph 9 of this Office Action (Rejection of claim 31 under USC 103) which is applicable herewith. In this case, GSA and Hermann disclose applicant's claimed limitation. The motivation to combine the cited references is that the Beacon disclosed by Hermann will allow GSA's system to detect both authorized and unauthorized accesses to specific locations. In this case unauthorized access can always be prevented.

4. As shown in the response to applicant's argument, examiner contends that the rejection of the last Office Action is proper, therefore this Office Action is hereby made final.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 21, and 24 – 27 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over NPL "Accessing the Campus" by Joe Gallagher (hereinafter "Gallagher") in view of NPL "Smart Card Policy and Administrative Guidelines" by General Services Administration (Hereinafter "GSA").

Regarding claim 1, Gallagher teaches a computer-implemented method comprising:  
assigning information stored on a computer a plurality of clearance levels (page 1, paragraph 3);  
assigning each smart badge within a set of smart badges one of the clearance levels (page 1; paragraph 4);



using a wireless beacon to detect which smart badges are located within a predefined boundary (page 1, paragraph 6 – Examiner interprets “control panel” as “wireless beacon”).

Gallagher does not explicitly teach lowest clearance level as claimed.

GSA teaches identifying a lowest clearance level assigned to the smart badges within the boundary (page 114, section “Agency profile characteristics”);

providing access to that sub-set of the information having a clearance level no higher than the lowest identified clearance level (page 78, paragraph 2, “Agencies that have low level security . . . different employees levels”).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because GSA’s teaching of “lowest clearance level” would have allowed Gallagher’s system to provide an a standardized card which could be read interoperably by multiple types of readers as suggested by GSA at page 11, paragraph 1.

Regarding claims 2 and 14, Gallagher teaches defining those smart badges within the boundary as a set of visible smart badges (page 2, paragraph 1); and

updating the set of visible smart badges in response to a change in smart badge visibility status (page 2, paragraph 2).

Regarding claims 3 and 15, Gallagher teaches recalculating the lowest clearance level in response to the change in smart badge visibility status (page 4, paragraph 5).

Regarding claim 4, Gallagher teaches recording the smart badge visibility status of each smart badge within an activity log (page 1, paragraph 6).

Regarding claim 5, Gallagher teaches providing access to smart badge wearers assigned to the smart badges (page 4, paragraph 5).

Regarding claims 6 and 17, Gallagher teaches preventing access to the information when the smart badge visibility status is set to invisible for a predetermined timeout (page 1, paragraph 4).

Regarding claim 7, GSA teaches writing data items to the smart badges (page 17, section 4).

Regarding claim 8, GSA teaches pre-reading the data items from the smart badges during idle periods (page 16, section "serial protected memory integrated chip cards").

Regarding claims 10 and 19, Gallagher teaches assigning an expiration period to each of the smart badges (page 2, paragraph 2 \_ Examiner interprets "'activate or deactivate" as "assigning an expiration period to each of the smart badges"); and

de-authenticating and erasing all data stored on a smart badge whose expiration period has been exceeded (page 2, paragraph 2 \_ Examiner interprets "if a student

drops out at mid semester, the card can be deactivated” as “de-authenticating and erasing all data stored on a smart badge whose expiration period has been exceeded”).

Regarding claim 11, GSA teaches configuring the predefined boundary by varying a sensitivity level of the wireless beacon (page 62, section “1. Physical Access”, paragraph 1).

Regarding claims 12, 13 and 20, Gallagher teaches a method for context-aware computer management comprising:

assigning database information a plurality of clearance levels (page 1, paragraph 3);

assigning each smart badge within a set of smart badges one of the clearance levels (page 1, paragraph 4);

using a wireless beacon to detect which smart badges are located within a predefined physical boundary (page 1, paragraph 6 - Examiner interprets “control panel” as “wireless beacon”).

defining those smart badges within the boundary as a set of visible smart badges (page 2, paragraph 1);

updating the set of visible smart badges in response to a change in smart badge visibility status (page 2, paragraph 2); and

recalculating the lowest clearance level in response to the change in smart badge visibility status (page 4, paragraph 5).

Gallagher does not explicitly teach lowest clearance level as claimed.

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GSA teaches identifying a lowest clearance level assigned to the smart badges within the boundary (page 114, section "Agency profile characteristics");

providing access to that sub-set of the database information having a clearance level no higher than the lowest identified clearance level on a computer located within the predefined physical boundary (page 78, paragraph 2, "Agencies that have low level security . . . different employees levels").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because GSA's teaching of "lowest clearance level" would have allowed Gallagher's system to provide an a standardized card which could be read interoperably by multiple types of readers as suggested by GSA at page 11, paragraph 1.

Regarding claim 16, GSA teaches providing access to the database information to smart badge wearers assigned to the smart badges (page 78).

Regarding claim 21, Gallagher teaches a system for context-aware computer management comprising:

a database (page 1, paragraph 5), including information differentiated by a plurality of clearance levels (page 1, paragraph 3);

a first wireless beacon (page 1, paragraph 6 - Examiner interprets "control panel" as "first wireless beacon").

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a set of smart badges, detected by the first beacon to be within a predefined boundary, each badge assigned one of the clearance levels (page 1, paragraph 6);

a computer located within the boundary (page 1, paragraph 6).

Gallagher does not explicitly teach lowest clearance level as claimed.

GSA teaches a system service module, coupled to the beacon, for identifying a lowest clearance level assigned to the smart badges within the boundary (page 114);

And a software application, coupled to the service module and the database, for providing access to that sub-set of the information within the database having a clearance levels no higher than the lowest identified clearance level on the computer (page 78).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because GSA's teaching of "lowest clearance level" would have allowed Gallagher's system to provide an a standardized card which could be read interoperably by multiple types of readers as suggested by GSA at page 11, paragraph 1.

Regarding claim 24, GSA teaches biometric sensors for detecting when a smart badge has been removed from an assigned smart badge wearer (page 43, paragraph 3, "Generally . . . certificate").

Regarding claim 25, Gallagher teaches the service module defines those smart badges within the boundary as a set of visible smart badges (page 2, paragraph 1), and recalculates the lowest clearance level in response to a change in a visibility status (page 4, paragraph 5).

Regarding claim 26, Gallagher teaches the application logs smart badge wearers assigned to visible smart badges onto the computer (page 1, paragraph 6).

Regarding claim 27, GSA teaches providing access to the sub-set of information comprises providing access to the sub-set of information stored on the computer located within the predefined boundary (page 78).

7. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher in view of GSA and further in view of U.S. Patent 6,057,764 issued to Melvin P. Williams (hereinafter "Williams").

Regarding claims 9 and 18, Gallagher and GSA teach the claimed subject matter as discussed in claims 1 and 13 respectively. Gallagher or GSA does not disclose whether each smart badge has been continuously worn as claimed.

Williams teaches defining a badge removal confidence level indicating whether each smart badge has been continuously worn by corresponding assigned smart badge wearers (column 6, lines 2 – 18).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Williams's teaching of "defining a badge removal confidence level indicating whether each smart badge has been continuously worn by corresponding assigned smart badge wearers" would have allowed Gallagher and GSA's system to provide an improved authorized use of a secure space while an alarm system is on, allowing authorized users to freely move throughout the alarmed space, providing significantly greater security than that which is available today for authorized persons while utilizing secured space with the alarm system on as suggested by Williams (see Summary).

8. Claims 22, 23, 28, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher in view of GSA and further in view of U.S. Patent 6,633,757 issued to Hermann et al (hereinafter "Hermann").

Regarding claim 22, Gallagher and GSA teach the claimed subject matter as discussed in claims 1 and 13 respectively. Gallagher or GSA does not disclose R.F beacon as claimed.

Hermann teaches a wide angle R.F beacon (column 12, line 20).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Hermann's teaching of "a wide angle R.F beacon" would have allowed Gallagher and GSA's system to maintain a record with information about services and associated

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identifiers as well as a list of identifiers about service-providing devices as suggested by Hermann at column 4, lines 43 – 45.

Regarding claim 23, Hermann teaches a second diffuse IR beacon (column 12, line 50), coupled to the service module, limited to detecting smart badges within the predefined boundary (page 43, paragraph 3, “Generally . . . certificate”).

Regarding claim 28, Gallagher teaches the wireless beacon comprises a first wireless beacon to communicate with the smart badges, the method further comprising:

using a second wireless beacon (column 12, line 20) to communicate with the smart badges (Gallagher: page 1, paragraph 4),

wherein detecting which smart badges are located within the predefined boundary (Gallagher: page 2, paragraph 1) is based on the first and second wireless beacons (Hermann: column 12, 20).

Regarding claim 29, Gallagher wherein using the second wireless beacon comprises using the second wireless beacon (Hermann: column 12, 20) to communicate with smart badges within the predefined boundary and to communicate with smart badges outside the predefined boundary through one or more blocking objects defining the predefined boundary (Gallagher page 1, paragraph 4 and page 2, paragraph), and



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using the first wireless beacon comprises using the first wireless beacon (Hermann: column 12, 20) to communicate with smart badges within the predefined boundary (Gallagher page 1, paragraph 4 and page 2, paragraph), wherein the first wireless beacon is blocked from communicating with smart badges outside the predefined boundary by the one or more blocking objects (column 12, line 20).

Regarding claim 30, Harmann teaches using the first wireless beacon comprises using an infrared beacon (column 12, line 50), and wherein using the second wireless beacon comprises using a radio frequency beacon (column 12, line 20).

9. Claims 31, 32, 33, 35, 36, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over GSA in view of Hermann.

Regarding claims 31 and 36, GSA teaches an article comprising a computer-usable medium containing program code that when executed cause a computer to:

store plural sub-sets of information, each sub-set of information associated with one of plural clearance levels (page 78, paragraph 2, "Agencies that have low level security . . . different employees levels");

determine a lowest clearance level from among the clearance levels associated with the badges in the predefined region (page 114, section "Agency profile characteristics"); and

provide access to one or more sub-sets of the information having one or more respective clearance levels no higher than the determined lowest clearance level (page 78, paragraph 2, "Agencies that have low level security . . . different employees levels").

GSA does not explicitly teach a first wireless beacon as claimed.

Hermann teaches use at least a first wireless beacon to communicate with plural badges within a predefined region, each of the plural badges associated with one of the plural clearance levels (column 12, lines 50 – 67 – Hermann defines devices as "smart cards or badges" at column 6, lines 52 – 61).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because the Beacon disclosed by Hermann will allow GSA's system to detect both authorized and unauthorized accesses to specific locations. In this case unauthorized access can always be prevented.

Regarding claim 32, GSA teaches providing access to the one or more sub-sets of the information comprises displaying the one or more sub-sets of the information having the one or more respective clearance levels no higher than the determined lowest clearance level (page 78).

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Regarding claims 33 and 37, Harmann teaches the program code when executed cause the computer to further:

use a second wireless beacon to communicate with the plural badges in the predefined region and to communicate with one or more badges outside the predefined region (column 12, lines 20 – 30),

wherein the first wireless beacon is able to communicate with the plural badges within the predefined region but is unable to communicate with the one or more badges outside the predefined region (column 12, lines 50 – 55); and

determining the badges that are within the predefined region based on the first and second wireless beacons (column 12, lines 27 – 29).

Regarding claim 35, GSA teaches the program code when executed cause the computer to further:

re-determine the lowest clearance level as badges enter or leave the predefined region (page 114).

Regarding claim 38, Harmann teaches the second wireless beacon comprises a radio frequency beacon, and the first wireless beacon comprises an infrared beacon (column 12, line 20).

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10. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over GSA in view of Hermann and further in view of William.

Regarding claim 34, GSA and Hermann teach the claimed subject matter as discussed in claim 31. the program code when executed cause the computer to further:

GSA does not explicitly disclose confidence level that the respective badge has been worn continuously by a user as claimed.

Williams teaches receive a parameter from each of the badges, the parameter indicating a confidence level that the respective badge has been worn continuously by a user (column 4, lines 40 - 55).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Williams's teaching of "confidence level that the respective badge has been worn continuously by a user" would have allowed GSA's system to provide an improved authorized use of a secure space while an alarm system is on, allowing authorized users to freely move throughout the alarmed space, providing significantly greater security than that which is available today for authorized persons while utilizing secured space with the alarm system on as suggested by Williams (see Summary).

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred I. Ehichioya  
Patent Examiner  
Art Unit 2162

July 21, 2006

  
**SHAHID ALAM**  
**PRIMARY EXAMINER**